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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,541	05/31/2001	Toshihiro Ogawa	209236US0	6768
22850	7590	02/11/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			RAJGURU, UMAKANT K	
			ART UNIT	PAPER NUMBER
			1711	

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/867,541

Applicant(s)

OGAWA ET AL

Examiner

Umakant K. Rajguru

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-34 is/are pending in the application.
- 4a) Of the above claim(s) 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 17 and 24 is/are rejected.
- 7) ☒ Claim(s) 12, 13, 18-23 & 25-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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1. A response has been filed on October 24, 2003
2. Claims under examination are 11-13 and 17-34.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 11 and 17 are rejected under 35 U.S.C. 1029b) as being anticipated Moore, W (USP 6080221).

Moore discloses coated particles. The particles are water-soluble fertilizer particles (col. 12, line 24-30). A water-insoluble fluid resin is applied to the surface of particles and the resin is cured (col. 3, lines 58-62)

Claims 11 and 17 therefore lack novelty.

Claim 24 is rejected under 35U.S.C.103(a) as being unpatentable over Moore W (USP 6080221) in view of Class (USP 6245861).

Disclosure of Moore is presented earlier.

Moore does not mention the peroxide curing agent of above claim 24.

Class discloses the use of peroxides as a crosslinking agent.

It would have been obvious to use the peroxides (of Class) as suitable crosslinking agents in the method of Moore to enhance mechanical properties.

5. Applicant's arguments filed October 24, 2003 have been fully considered but they are not persuasive. On page 12, the applicants' statement that 'Moore does not disclose instantly claimed invention " is not persuasive. Instant claim 11 for example encompasses a composition comprising a water – insoluble matrix with a crosslinked polymer and water-soluble particles dispersed in that matrix. The fertilizer particles of

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Moore read on (instant) water –soluble particles. The water-insoluble fluid resin reads on (instant) matrix. The fluid resin is cured i.e. crosslinked. Applicants' observation that "Moore does not disclose dispersion of water-soluble particles in the water-insoluble matrix" is not convincing because in the process of Moore, such dispersion is automatically prepared.

*UR* It is true that particle size of Moore is larger than what the instant claims 33 & 34 require. It is the examiner's position that it is within the expertise of one ordinary skill to vary particle size and few other physical properties of ingredients of a composition in order to obtain a desired end product.

Applicants on page 13, find that Moore is a non-analogous art. Examiner disagrees. Instant claims are directed to a composition. One of the intended uses of such composition is for making polishing pad. Composition is not restricted to a polishing pad. Moore discloses a composition, which reads of instant composition.

Similar remarks apply to applicants' remarks on Class.

6. Rejection of claim 12 under 35 USC 112 second paragraph (item 4, paper 4) is now withdrawn.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the


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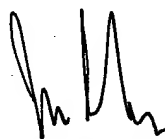
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. K. Rajguru, whose telephone number is (571) 272-1077. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

~~Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.~~

  
U.K. Rajguru/af  
February 4, 2004

  
James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1711